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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 PAMELA TROIANO, Individually,

15 CASE NO.: 2:22-cv-00260-JCM-NJK

16 Plaintiff,

17 **STIPULATION AND [PROPOSED]**
18 **ORDER TO EXTEND DISCOVERY**
19 **DEADLINES**

20 **(SECOND REQUEST)**

21 v.
22 WALMART, INC., d/b/a WALMART
23 SUPERCENTER, a Delaware Foreign
24 Corporation; WALMART STORES, a
25 Delaware Foreign Corporation; DOES I
through X; and ROE BUSINESS ENTITIES I
through X, inclusive,

26 Defendants.

27 COME NOW Defendants WALMART, INC. d/b/a WALMART SUPERCENTER, and
28 WALMART STORES, INC. (“Defendants”), by and through their counsel of record TROY A.
CLARK, ESQ., and MATTHEW B. BECKSTEAD, ESQ., of the law firm RESNICK & LOUIS,
P.C., and Plaintiff PAMELA TROIANO (“Plaintiff”), by and through her counsel of record ERIC
WILLOUGHBY, ESQ. and STEPHEN M. SHULMAN, ESQ. of the law firm WILLOUGHBY
SHULMAN INJURY LAWYERS, and hereby submit the following **STIPULATION AND**
[PROPOSED] ORDER FOR EXTENSION OF DISCOVERY DEADLINES (Second
Request) for this Honorable Court’s consideration to extend the remaining deadlines in the current

1 scheduling order and discovery plan in this matter for a period of ninety (90) days for the reasons
2 explained herein.

3 Pursuant to Local Rule IA 6-1(a), the parties hereby aver that this is the second discovery
4 extension requested in this matter.

5 **A. DISCOVERY COMPLETED TO DATE**

- 6 • The parties have conducted an FRCP 26(f) conference and have served their respective
7 FRCP26(a) disclosures;
- 8 • The parties have filed all required documents pursuant to the Minutes of the Court [ECF
9 No. 3] to date;
- 10 • Plaintiff has provided Defendant with provider-specific authorizations;
- 11 • Defendant served via U.S. Mail its first supplemental 26(a) disclosures on April 4,
12 2022;
- 13 • Defendant served via U.S. Mail its second supplemental 26(a) disclosures on August
14 19, 2022;
- 15 • Plaintiff served via U.S. Mail her first supplemental 26(a) disclosures on April 11,
16 2022;
- 17 • Plaintiff served via U.S. Mail her second supplemental 26(a) disclosures on May 9,
18 2022;
- 19 • Plaintiff served via U.S. Mail her third supplemental 26(a) disclosures on June 1, 2022;
- 20 • Plaintiff served via U.S. Mail her fourth supplemental 26(a) disclosures on July 12,
21 2022;
- 22 • Plaintiff served via U.S. Mail her fifth supplemental 26(a) disclosures on August 15,
23 2022;
- 24 • Plaintiff served via U.S. Mail her sixth supplemental 26(a) disclosures on August 29,
25 2022;
- 26 • Plaintiff served via U.S. Mail her first set of interrogatories, first set of requests for
27 production, and first set of requests for admission upon Defendant on March 21, 2022;

- 1 • Defendant Walmart Inc. served via U.S. Mail its first set of interrogatories and first set
- 2 of requests for production upon Plaintiff on April 21, 2022.
- 3 • Defendant served via U.S. Mail its responses to Plaintiff's first set of requests for
- 4 admissions and its responses to Plaintiff's first set of requests for production, on April
- 5 29, 2022;
- 6 • Plaintiff served via U.S. Mail its responses to Defendant's first set of interrogatories
- 7 and its responses to Defendant's first set of requests for production, on May 27, 2022;
- 8 • Defendant served via U.S. Mail its verified responses to Plaintiff's first set of
- 9 interrogatories on May 2, 2022;
- 10 • On June 3, 2022, Plaintiff underwent a Neurological IME with Harvey Lawrence
- 11 Edmonds, M.D.
- 12 • On June 15, 2022, Plaintiff took the deposition of Carlos Diaz;
- 13 • On June 23, 2022, Plaintiff underwent a Spinal IME with Pasquale X. Montesano,
- 14 M.D.
- 15 • On May 25, 2022, Plaintiff conducted a site inspection at the site of the alleged
- 16 incident described at the complaint
- 17 • On August 5, 2022, Plaintiff served an amended notice to take the deposition of Matt
- 18 Benson for August 23, 2022; the deposition was subsequently vacated;
- 19 • On August 5, 2022, Plaintiff served an amended notice to take the deposition of Dayon
- 20 Douglas for August 25, 2022; the deposition was subsequently vacated;
- 21 • On August 8, 2022, the Parties submitted a Stipulated Protective Order relating to
- 22 confidential discovery documents. This Court approved and entered the Order on
- 23 August 9, 2022. [ECF No. 15]
- 24 • On August 23, 2022, Plaintiff took the deposition of Ashleigh Lynch;
- 25 • On August 24, 2022, Plaintiff took the deposition of Margie Landoy;
- 26 • On August 24, 2022, Plaintiff took the deposition of Dino Kincaid;
- 27 • On September 7, 2022, Plaintiff took the deposition of the Defendant Walmart Inc.'s
- 28 FRCP 30(b)(6) designee;

1 **B. DISCOVERY TO BE COMPLETED**

2 Discovery to be completed includes:

3 • Depositions of Plaintiff's treating physicians;

4 • Depositions of the remaining fact witnesses;

5 • Plaintiff is tentatively scheduled to undergo a Neuropsychological IME on October

6 26, 2022. The Parties are in the process of establishing the parameters of the IME;

7 • Disclosure of experts by both parties; and

8 • Depositions of expert witnesses and rebuttal expert witnesses.

9 **C. REASON DISCOVERY HAS NOT BEEN COMPLETED**

10 The Parties have been diligently working to complete discovery in this matter. Plaintiff
11 has undergone a neurological IME and a spinal IME. Plaintiff has also taken the deposition of five
12 (5) fact witnesses from Walmart. Plaintiff has scheduled the depositions of two other fact witness.
13 However, those depositions will need to be rescheduled due to problems with locating and
14 confirming the witnesses' attendance at their depositions.

15 Since Plaintiff has pursued her Traumatic Brain Injury claim, additional time was required
16 to conduct discovery that the Plaintiff can undergo an IME. However, the Plaintiff will need to
17 undergo a third IME which is a neuropsychological examination currently scheduled for October
18 26, 2022. The Parties have been diligently working out the logistics and details of the third IME.

19 On August 9, 2022, Plaintiff underwent her cervical surgical procedure. Plaintiff's surgeon
20 recommended that she wait at least two (2) months from the date of the cervical surgery before
21 undergoing the neuropsychological IME. Defendant is awaiting records from the Plaintiff's
22 cervical surgical procedure. Thus, the Parties aver that additional time to disclose expert witnesses
23 is warranted, given Plaintiff's Traumatic Brain Injury claim. Further, the Parties agree that a ninety
24 (90) day extension is warranted to disclose expert witnesses to accommodate the initial and rebuttal
25 experts' schedules in light of the upcoming holiday season.

26 Further, the Parties are further in process of scheduling a mediation with Peggy Leen.

27 The Parties agree that, pending this Court's approval, extension of remaining discovery
28 deadlines is appropriate. Based upon the foregoing, the parties have agreed to a 90-day extension

1 of all remaining deadlines imposed in the Stipulation And Order To Extend Discovery Deadlines
 2 [ECF No. 14] dated June 2, 2022, to ensure that meaningful discovery is conducted. The parties
 3 have acted in good faith to request this extension and have neither intent nor reason to delay the
 4 resolution of this matter.

5 **D. PRIOR DISCOVERY DEADLINES AND TRIAL DATE**

6 According to the Court's Scheduling Order and Discovery Plan entered on March 17, 2022
 7 [ECF No. 9], the initial deadlines were:

8	Pre-Discovery Disclosures	March 17, 2022
9	Amend Pleadings / Add Parties	June 1, 2022
10	Initial Expert Disclosures:	July 1, 2022
11	Rebuttal Expert Reports:	August 1, 2022
12	Close of Discovery	August 30, 2022
13	Dispositive Motions	September 29, 2022
14	Joint Pre-Trial Order	October 31, 2022

15 On June 2, 2022, this Court entered an Order [ECF No. 14] extending the discovery
 16 deadlines as follows:

17	Amend Pleadings / Add Parties	No Change Sought
18	Initial Expert Disclosures:	September 30, 2022
19	Rebuttal Expert Reports:	October 28, 2022
20	Close of Discovery	November 30, 2022
21	Dispositive Motions	December 28, 2022
22	Joint Pre-Trial Order	January 27, 2023

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1 **E. PROPOSED DISCOVERY DEADLINES**

2 Based upon the foregoing, the Parties hereby stipulate to the below schedule and ask the
3 Court to allow the same.

4 Amend Pleadings / Add Parties	Closed
5 Initial Expert Disclosures:	December 30, 2022
6 Rebuttal Expert Reports:	January 30, 2023
7 Close of Discovery	March 1, 2023
8 Dispositive Motions	March 31, 2023
9 Joint Pre-Trial Order	May 1, 2023

10 If this extension is granted, all anticipated additional discovery should be concluded within
11 the stipulated extended deadline. The parties aver that this request for extension of discovery
12 deadlines is made by the parties in good faith and not for the purpose of delay.

13 Dated this 8th day of September, 2022

14 Dated this 8th day of September, 2022

15 **RESNICK & LOUIS, P.C.**

16 **WILLOUGHBY SHULMAN
INJURY LAWYERS**

17 */s/ Troy A. Clark, Esq.*

18 */s/ Eric J. Willoughby, Esq.*

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32 *Attorneys for Plaintiff
Pamela Troiano*

33 **IT IS SO ORDERED.**

34 Dated: September 9, 2022

35 
36 **UNITED STATES MAGISTRATE JUDGE**